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Attorneys for Debtors
 and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

| | |
|--------------------------------------------|---------------------------------|
| -----X | |
| | : |
| In re | : Chapter 11 Case No. |
| | : |
| MOTORS LIQUIDATION COMPANY, et al., | : 09-50026 (REG) |
| f/k/a General Motors Corp., et al. | : |
| | : |
| Debtors. | : (Jointly Administered) |
| | : |
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**NOTICE OF DEBTORS' OBJECTION TO PROOF OF CLAIM
 NO. 65796 FILED BY RUDOLPH V. TOWNS**

PLEASE TAKE NOTICE that on March 30, 2010, Motors Liquidation Company (f/k/a General Motors Corporation) ("**MLC**") and its affiliated debtors, as debtors in possession (collectively, the "**Debtors**"), filed their objection (the "**Objection**") to Proof of Claim No. 65796 filed by Rudolph V. Towns (the "**Towns Claim**"), and that a hearing (the "**Hearing**") to consider the Debtors' Objection will be held before the Honorable Robert E. Gerber, United States Bankruptcy Judge, in Room 621 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on **April 29, 2010 at 9:45 a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that any responses to the Debtors' Objection must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and

the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-242 (which can be found at www.nysb.uscourts.gov) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with a hard copy delivered directly to Chambers), in accordance with General Order M-182 (which can be found at www.nysb.uscourts.gov), and served in accordance with General Order M-242, and on (i) Weil, Gotshal & Manges LLP, attorneys for the Debtors, 767 Fifth Avenue, New York, New York 10153 (Attn: Harvey R. Miller, Esq., Stephen Karotkin, Esq., and Joseph H. Smolinsky, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 500 Renaissance Center, Suite 1400, Detroit, Michigan 48243 (Attn: Ted Stenger); (iii) General Motors, LLC, 300 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv) Cadwalader, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, DC 20220 (Attn: Joseph Samarias, Esq.); (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47th Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.); (vii) Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Amy Caton, Esq., Lauren Macksoud, Esq., and Jennifer Sharett, Esq.); (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Diana G. Adams, Esq.); (ix) the U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New

York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuelher, Esq.); and (x) Rudolph V. Towns, 5733 SW 18 Street Apt. B, Hollywood, Florida 33023-0000, so as to be received no later than **April 22, 2010 at 4:00 p.m. (Eastern Time)** (the “**Response Deadline**”).

PLEASE TAKE FURTHER NOTICE that if no response is timely filed and served with respect to the Debtors’ Objection, the Debtors may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Debtors’ Objection, which order may be entered with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York
March 30, 2010

/s/ Joseph H. Smolinsky

Harvey R. Miller
Stephen Karotkin
Joseph H. Smolinsky

WEIL, GOTSHAL & MANGES LLP
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**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

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| MOTORS LIQUIDATION COMPANY, et al., | : 09-50026 (REG) |
| f/k/a General Motors Corp., et al. | : |
| | : |
| Debtors. | : (Jointly Administered) |
| | : |
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**DEBTORS' OBJECTION TO PROOF OF CLAIM
 NO. 65796 FILED BY RUDOLPH V. TOWNS**

TO THE HONORABLE ROBERT E. GERBER,
 UNITED STATES BANKRUPTCY JUDGE:

Motors Liquidation Company (f/k/a General Motors Corporation) (“**MLC**” or
 “**GM**”) and its affiliated debtors, as debtors in possession (collectively, the “**Debtors**”),
 respectfully represent:

Relief Requested

1. The Debtors file this Objection (the “**Objection**”) pursuant to section
 502(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 3007(d) of the
 Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and this Court’s order
 establishing the deadline for filing proofs of claim against MLC and certain other Debtors (the

“**Bar Date**”) and the procedures relating to the filing of proofs of claim (the “**Bar Date Order**”) [Docket No. 4079], seeking entry of an order disallowing and expunging Proof of Claim No. 65796 (the “**Towns Claims**”) filed by Rudolph V. Towns (“**Mr. Towns**”). A copy of the Towns Claim is annexed hereto as **Exhibit “A.”**

2. Mr. Towns filed a proof of claim in these chapter 11 cases in the amount of \$86,000,000,000, purportedly arising out of an incident during his employment for the Debtors in 1965. The Debtors have examined the Towns Claim --which provides no insight into the basis of the claim-- and have made every effort to discuss the merits of this claim with Mr. Towns, a former attorney for Mr. Towns that filed the Towns Claim, and various other advisors and family members. After these discussions, the Debtors have been able to ascertain the underlying facts of the Towns Claim, and after some diligence, the Debtors have found that the Towns Claim is nothing more than Mr. Towns’s attempt to circumvent the *res judicata* effect of a final judgment issued by another court --the United States District Court for the Southern District of Florida-- dismissing his claim with prejudice. Specifically, the Florida Litigation Final Judgment (as defined below) precludes Mr. Towns from re-opening the issues litigated before the United States District Court for the Southern District of Florida. For this reason, the Debtors request the entry of an order disallowing the Towns Claim in its entirety and expunging the Towns Claim from the Debtors’ claims register.

3. In the alternative, the Debtors request the entry of an order disallowing the Towns Claim in light of its failure to set forth the legal and factual basis thereof, as well as the insufficient documentation provided by Mr. Towns as to why the Towns Claim should not be dismissed for, among other reasons, being barred by the statute of limitations.

Jurisdiction

4. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

Relevant Facts to Mr. Towns's Claim

(a) *The Florida Litigation*

5. On July 16, 2008 Mr. Towns, appearing *pro se*, filed a complaint in the United States District Court for the Southern District of Florida (Case No. 08-61115) (the “**Florida Litigation**”) seeking compensatory and punitive damages from GM in connection with an alleged injury that Mr. Towns suffered on February 16, 1965, while working for the Fisher Body Division of GM, then located in Cleveland, Ohio (the “**Alleged Work Accident**”). A copy of the complaint filed by Mr. Towns in the Florida Litigation is annexed hereto as **Exhibit “B.”**

6. GM, the only named defendant in the Florida Litigation, filed a motion to dismiss with prejudice and, on April 21, 2009 (the “**Florida Litigation Final Judgment**”), the District Court granted GM’s motion. Although the District Court found that “[i]t [was] difficult to ascertain what claims [Mr. Towns was] asserting,” the District Court held that (i) Mr. Towns’s negligence claim was barred as untimely, and (ii) Mr. Towns’s discrimination claim was dismissed because Mr. Towns had failed to allege facts sufficient to support a discrimination claim. A copy of the Florida Litigation Final Judgment is annexed hereto as **Exhibit “C.”**

(b) *The Bankruptcy Proceedings*

7. Before the Bar Date, Mr. Towns filed Proof of Claim No. 65796 against MLC in the amount of **\$86 billion dollars** for “intrinsic fraud, injuries, civil rico, etc.,” but with no supporting documentation that would allow the Debtors to effectively analyze the asserted liability. In light of the size of the claim amount alleged in the Towns Claim, and the fact that

such proof of claim references an “Exhibit A” which was not attached, the Debtors contacted Mr. Towns by phone on several occasions requesting information to ascertain the nature and validity of the Towns Claim. During those phone conversations, when asked about the basis for an \$86 billion dollar claim, Mr. Towns only referred to the Alleged Work Accident but never disclosed the existence of the Florida Litigation even though the Florida Litigation was obviously founded upon the very same facts and circumstances. Nor did Mr. Towns ever inform the Debtors of the existence of the Florida Litigation Final Judgment. Furthermore, Mr. Towns promised to send documentation in support of the Towns Claim (the apparently missing “Exhibit A”), but as of the date herein, has not done so. Over the past few months, the Debtors have had numerous conversations with Mr. Towns’s daughter, Ms. Janice Jennings (the attorney who transmitted the Towns Claim), and another advisor to Mr. Towns. It was explained to these parties that to the extent Mr. Towns was asserting a workers’ compensation claim, General Motors, LLC was the proper target of the Towns Claim. Despite denying that the Towns Claim was a workers’ compensation claim, a proper cause of action was not articulated. During these conversations, it also became increasingly clear that resolving the Towns Claim without court intervention would be unlikely.

Basis for Relief Requested

A. The Doctrine of *Res Judicata* Requires That The Towns Claim Be Dismissed

8. Mr. Towns has already had his day in court in respect of the Alleged Work Accident. “A fundamental precept of common-law adjudication, embodied in the related doctrines of collateral estoppel and *res judicata*, is that a ‘right, question or fact distinctly put in issue and directly determined by a court of competent jurisdiction . . . cannot be disputed in a subsequent suit between the same parties or their privies . . .’” *Montana v. United States*, 440

U.S. 147, 13 (1979) (quoting *S. Pac. R.R. Co. v. United States*, 168 U.S. 1 (1897)). “By ‘preclud[ing] parties from contesting matters that they have had a full and fair opportunity to litigate,’ these two doctrines [of collateral estoppel and *res judicata*] protect against ‘the expense and vexation attending multiple lawsuits, conserv[e] judicial resources, and foste[r] reliance on judicial action by minimizing the possibility of inconsistent decisions.’” *Taylor v. Sturgell*, 553 U.S. 880 (2008) (quoting *Montana*, 440 U.S. at 153-154).

9. As stated, the doctrine of *res judicata* bars the Towns Claim from being pursued because the Florida Litigation (i) was a final judgment on the merits; (ii) where the litigants were the same parties (Mr. Towns and GM); (iii) the United States District Court for the Southern District of Florida was of a competent jurisdiction; and (iv) the causes of action are the same. *See Waldman v. Village of Kiryas Joel*, 20 F.3d 105, 108 (2d Cir. 2000) (explaining that “[t]o ascertain whether two actions spring from the same transaction or claim, [courts] look to whether the underlying facts are related in time, space, origin, or motivation”) (quoting *Interoceanica Corp. v. Sound Pilots, Inc.*, 107 F.3d 86, 90 (2d. Cir. 1997) (internal quotations omitted)).

10. In this case, although Mr. Towns has neglected to provide any legal or factual support for his alleged “intrinsic fraud, injuries, civil rico,” Mr. Towns has informed Debtors’ counsel that it stems from the Alleged Work Accident. Thus, it is clear that the Towns Claim stems from the same facts and circumstances as the Florida Litigation and what Mr. Towns intends here is to circumvent the result of the Florida Litigation. Such a misuse of judicial resources should not be allowed.

11. Accordingly, the Debtors request the entry of an order disallowing and expunging the Towns Claim from the Debtors’ claims register in its entirety because the Florida

Litigation Final Judgment precludes Mr. Towns from re-opening the issues litigated before the United States District Court for the Southern District of Florida.

B. Alternatively, The Towns Claim Should Be Disallowed For Failure to Allege Sufficient Facts in Support

12. In the event the Court does not find the doctrine of *res judicata* to apply in the case at hand, the Debtors request that the Court disallow the Towns Claim for its failure to allege facts sufficient to support a claim.

13. A proof of claim *must* “set forth the facts necessary to support the claim” for it to receive the prima facie validity accorded under the Bankruptcy Rules. *In re Chain*, 255 B.R. 278, 280 (Bankr. D. Conn. 2000) (internal quotation omitted); *In re Marino*, 90 B.R. 25, 28 (Bankr. D. Conn. 1988); see *In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992); *Ashford v. Consol. Pioneer Mortgage*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), *aff’d*, 91 F.3d 151 (9th Cir. 1996). Further, section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that “such a claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law.” 11 U.S.C. § 502(b)(1).

14. To date, Mr. Towns has not provided *any* legal or factual support for his alleged “intrinsic fraud, injuries, civil rico,” and, thus, the Towns Claim should not be afforded prima facie validity under the Bankruptcy Code. Accordingly, the Debtors request that Towns Claim be disallowed and expunged from the claims register.

C. The Towns Claim Also Violates the Bar Date Order

15. In connection with MLC’s chapter 11 cases, on September 16, 2009, this Court entered the Bar Date Order which, among other things, established November 30, 2009 as the Bar Date and set forth procedures for filing proofs of claim. The Bar Date Order requires,

among other things, that a proof of claim must “set forth with specificity the legal and factual basis for the alleged [c]laim [and] include supporting documentation or an explanation as to why such documentation is not available.” Bar Date Order at 2.¹

16. The Towns Claim falls far short of the standard unambiguously required in the Bar Date Order. The Towns Claim alleges billions of dollars for an alleged “intrinsic fraud, injuries, civil rico,” yet it fails to provide any information that would allow the Debtors to ascertain the validity and nature of the Towns Claim –as is required by the Bar Date Order.

17. Despite multiple requests to Mr. Towns that he provide information in support of the Towns Claim, he has refused to do so. While Mr. Towns has repeatedly complained about the condition of his employment records, he has not articulated a factual or legal basis for a claim. Having failed to meet the threshold requirement of containing even the most basic information regarding the basis of the Towns Claim, particularly after the Debtors’ specifically requested it, the Towns Claim should be disallowed in its entirety.

Notice

18. Notice of this Objection has been provided to Mr. Towns and parties in interest in accordance with the Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 1015(c) and 9007 Establishing Notice and Case Management Procedures, dated March 19, 2010 [Docket No. 5308]. The Debtors submit that such notice is sufficient and no other or further notice need be provided.

[The Remainder of This Page Is Intentionally Left Blank]

¹ Notices of the Bar Date Order contained express references to this requirement.

19. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

WHEREFORE the Debtors respectfully request entry of an order granting the relief requested herein and such other and further relief as is just.

Dated: March 30, 2010
New York, New York

/s/ Joseph H. Smolinsky

Harvey R. Miller

Stephen Karotkin

Joseph H. Smolinsky

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

Attorneys for Debtors
and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

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| In re | : | Chapter 11 Case No. |
| | : | |
| MOTORS LIQUIDATION COMPANY, et al., | : | 09-50026 (REG) |
| f/k/a General Motors Corp., et al. | : | |
| | : | |
| Debtors. | : | (Jointly Administered) |
| | : | |
| -----X | | |

**ORDER GRANTING DEBTORS' OBJECTION TO PROOF OF CLAIM
NO. 65796 FILED BY RUDOLPH V. TOWNS**

Upon the objection dated March 30, 2010 (the “**Objection**”)¹ to Proof of Claim No. 65796 filed by Rudolph V. Towns (the “**Towns Claim**”) of Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as debtors in possession (collectively, the “**Debtors**”), pursuant to section 502(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and this Court’s order establishing the deadline for filing proofs of claim of certain Debtors and procedures relating to the filing of proofs of claim (the “**Bar Date Order**”) [Docket No. 4079], seeking entry of an order disallowing and expunging the Towns Claim, all as more fully described in the Objection; and due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of title 11 of the United States Code, the Towns Claim is disallowed and expunged in its entirety; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

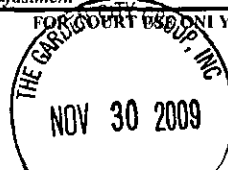
Dated: New York, New York
April __, 2010

United States Bankruptcy Judge

Exhibit A

The Towns Claim

B 10 (Official Form 10) (12/08)

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UNITED STATES BANKRUPTCY COURT Southern District of New York | | PROOF OF CLAIM |
| Name of Debtor GENERAL MOTORS | | Case Number 09-50026 |
| NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. | | |
| Name of Creditor (the person or other entity to whom the debtor owes money or property) RUDOLPH TOWNS | | <input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number _____ (If known) Filed on _____ |
| Name and address where notices should be sent Rudolph Towns 5733 SW 18 St Apt B Hollywood, FL 33023-0000 Telephone number (954) 322-7182 | | |
| Name and address where payment should be sent (if different from above) Same as above <div style="text-align: center;"> FILED - 65796 MOTORS LIQUIDATION COMPANY F/K/A GENERAL MOTORS CORP SDNY # 09-50026 (REG) </div> Telephone number (954) 322-7182 | | <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case. |
| 1 Amount of Claim as of Date Case Filed \$ <u>86,000,000.00</u> If all or part of your claim is secured, complete item 4 below, however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges. <i>Interest</i> | | 5 Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a) If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B) <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business whichever is earlier - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5) <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family or household use - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)() Amount entitled to priority \$ _____ |
| 2 Basis for Claim <u>Fraud, injuries, civil rco, etc See Exhibit A</u> (See instruction #2 on reverse side) | | |
| 3 Last four digits of any number by which creditor identifies debtor <u>8688</u> 3a Debtor may have scheduled account as _____ (See instruction #3a on reverse side) | | |
| 4 Secured Claim (See instruction #4 on reverse side) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe _____ Value of Property \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any \$ _____ Basis for perfection _____ Amount of Secured Claim \$ _____ Amount Unsecured \$ _____ | | |
| 6 Credits The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7 Documents Attach redacted copies of any documents that support the claim such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of redacted on reverse side). DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain _____ | | *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. |
| Date _____ Signature The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <i>Rudolph V. Towns</i> | | FOR COURT USE ONLY  |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years or both 18 U.S.C. §§ 152 and 3571

JANICE L JENNINGS
ATTORNEY AT LAW
P O BOX 1013
WEST PALM BEACH, FL 33402
(561) 515-6173 Telephone
(561) 515-6001 Facsimile

November 23, 2009

GARDEN CITY
Claims Agency for General Motors
105 Maxees Road
Melville, NY 11747

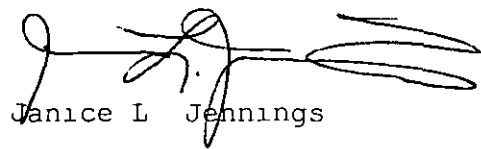
RE: PROOF OF CLAIM OF RUDOLPH TOWNS in the
General Motors Bankruptcy Case Case No 09-50026

Greetings

Mr Rudolph Towns requested that I¹ transmit the enclosed Proof of Claim to you in the above-referenced pending General Motors bankruptcy case.

Please contact Mr. Towns directly if you have any questions. He may be reached at (954) 322-7182.

Sincerely,



Janice L Jennings

Encls.

cc: Mr Rudolph Towns

¹ I, Janice L. Jennings, Esq. am licensed only in the state of Florida and am not entering an appearance on behalf of Mr. Rudolph Towns and am not seeking appearance *pro hac vice* basis.

Exhibit B

The Complaint Filed by Mr. Towns in the Florida Litigation

| | | |
|--------------------------------------------------------------------|----|------|
| FILED by | VT | D.C. |
| ELECTRONIC | | |
| JULY 16, 2008 | | |
| STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI | | |

IN THE UNITED STATES DISTRICT COURT
FOR THE *Southern* DISTRICT OF *FLORIDA*

DIVISION

RUDOLPH V. TOWNS.

08-CV-61115-Cooke-Bandstra

V.

NO.

GENERAL MOTORS CORPORATION

COMPLAINT

Plaintiff resides at:

5733-SOUTH WEST-18TH-ST.

APT-B.-HOLLYWOOD-FLORIDA-33023.

Defendant(s)' name(s) and address(es), if known:

HURON ROAD HOSPITAL.

1395I-TERRACE ROAD-EAST-CLEVELAND-OHIO-44112.

Jurisdiction in this court is based on:

THE VIOLATION OF ONE CONSTITUTION RIGHTS . I AM REQUESTING THAT THIS COURT
HAVE A COMPLETE INVESTIGATION OF THIS MOST GROSS NEGLIGENCE ON THE PART
UNITED AUTO DEALERS-NAMELY.GENERAL MOTORS. THEY FAIL TO SUPPLY THE INFORMATION
THAT IS NECESSARY TO PROCESS THIS CASE, I HAVE BEEN REQUESTING INFORMATION

The acts complained of in this suit concern:

CONCERNING MY MEDICAL RECORDS AND MY INJURY THAT OCCURED AT COIT RD.
GENERAL MOTORS.FISHER BODY.(1965). - THERE SEEM TO BE SOME TYPE OF
CONSPIRACY AN.UNWILLINGNESS ON THE PART OF GENERAL MOTORS TO
SUPPRESS THE TRUE EVIDENCE OF THE CASE. MR.RUDOLPH TOWNS SUFFERED A
CONCUSSION.AND COULD NOT RE.CALL ALL OF THE EVIDENCE.SO THE GENERAL
MOTORS UNION LOCAL (45) DECIDED TO SHRED THE INFORMATION.OR NOT TO
MENTION IT.MR TOWNS WAS NEVER COMPENSATED FOR HIS INJURY.SO THE PLAINTIFF
IS REQUESTING COMPENSATORY DAMAGES FOR HIS INJURY.HE IS ALL SO REQUESTING
PUNITIVE DAMAGES.FOR HIS PAIN AND SUFFERING WITH RETROACTIVE BENEFITS.
THIS IS A CLEAR CUT DISCRIMINATION CASE.I ASK THIS COURT TO INVESTIGATE
THIS INCIDENT LEFT THE PLAINTIFF WITH DISABILITY PROBLEMS IN FACT HE IS
CONFIRMED BY SEVERAL DOCTORS ABOUT HIS DISABILITY PROBLEMS.
THE PLAINTIFF SUFFERING EXCRUCIATION PAIN IN THE HEAD AND LOWER
EXTREMITY. FROM THE CAUSE OF THIS INCIDENT. THE COURT SHOULD AWARD
THE PLAINTIFF FOR MENTAL ANGUISH.

NOTARIZATION AND VERIFICATION

I, RUDOLPH V. TOWNS, THE AFFIANT
AND DECLARANT IN THE ABOVEMENTIONED AND AFOREMENTIONED
STATEMENTS AND AFFIRMATION DO HEREBY AND HEREON DECLARE THAT ALL
HERETOFORE MENTIONED IS TRUE AND FACTUAL. TO SUCH, I DO ATTEST AS
TRUE THIS THE 21st DAY OF MAY
200~~7~~⁸; AND TO SUCH I ATTACH MY SIGNATURE AS SEAL.

S/ Rudolph V. Towns

STATE OF NORTH CAROLINA

COUNTY OF PITT

THIS IS TO VERIFY AND CONFIRM THAT Rudolph V. Towns
DID PERSONALLY APPEAR BEFORE ME THIS THE 21st DAY OF May
200~~7~~⁸ TO ATTEST TO ALL THE ABOVEMENTIONED AND AFOREMENTIONED.

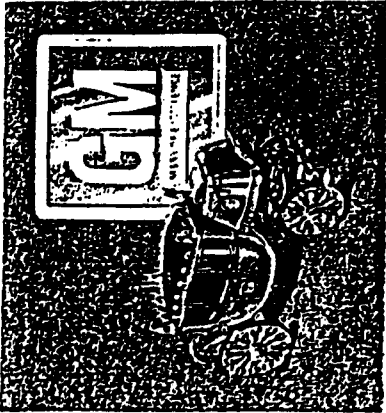
S/ [Signature]

NOTARY PUBLIC

MY COMMISSION EXPIRES ON: _____



Richard B. Days
Commission #DD565096
Expires: AUG. 21, 2010
www.AARONNOTARY.com



CERTIFICATE OF

Retirement PRESENTED

FISHER BODY DIVISION

TO

Rudolph J. Towns

this

1st day of *June* 19*82*

in acknowledgment of *16.2* years

of service and contribution to

General Motors Corporation.

Samuel P. Claski

George F. Weygandt

HURON ROAD HOSPITAL
 CLEVELAND 12, OHIO

Reviewed by Records C
 HURON ROAD HOS

SUMMARY SHEET

| | | | | | | | |
|----------------------------------------------------------|----------------------|-------------------------------------------------|---------------------------------|------------------------------------------|--------------------------------------------|----------------------------------------------------|---------------------------------------|
| LAST NAME TOWNS, MR. RUDOLPH | | FIRST M. I. | AGE 30 | ROOM NO. 325SP | ATTENDING PHYSICIAN P. Erlandson | OCCUPATION Production | NATIONALITY Amer. |
| STREET ADDRESS 1446 East 113th St. | | HOSPITAL NO. 25291 | | REFERRING PHYSICIAN | | HOW MANY YEARS IN: | |
| CITY Cleveland, Ohio | ZONE 44106 | STATE | DATE ADMITTED 2-16-69 | HOUR 7:55PM | DATE DISCHARGED 2/19/65 | CITY | COUNTY STATE |
| SERVICE NSurg-A | S.C.N.O. NO. | CONTRACT HOLDERS NAME | | OTHER HOSPITAL INS. INDUSTRIAL | | PATIENT'S EMPLOYER & ADDRESS Fisher Body | |
| HT. 5'9 | WT. 160 | SEX M | RACE C | RELIGION P | MARITAL M | SOC. SEC. NO. | PATIENT HOME PHONE 791-0753 |
| BIRTHDATE 4-17-34 | | BIRTHPLACE Fla. | | PREVIOUS ADMISSION DATES none | | | |
| NOTIFY IN EMERGENCY Mrs. Bettye Towns | | ADDRESS same | | PHONE same | | RELATIONSHIP Wife | |
| PATIENT'S MAIDEN NAME | | INTERM | | RESIDENT S. Roy | | AUTO ACCIDENT | |
| NAME OF HUSBAND OR MAIDEN NAME OF SPOUSE White | | ADDRESS IF OTHER THAN ABOVE EMERGENCY | | BIRTHPLACE Ohio | | BIRTHPLACE | |
| NAME OF FATHER dec. | | BIRTHPLACE | | MAIDEN NAME OF MOTHER ? | | BIRTHPLACE ? | |

TRANS. TO TRANS. TO TRANS. TO

Provisional Diagnosis (to be completed within 24 hours after admission):

Diagnosis: Cerebral Concussion

Same

Code No. 852.0

Complications:

Procedures: Observation

Consultation With _____

Results: Sharp Prognosis: Good

Remarks: _____

Cause of Death: _____

AUTHORIZATION OF MONTHLY BENEFITS
 THE GENERAL MOTORS HOURLY-RATE EMPLOYEES PENSION PLAN
 PURSUANT TO AGREEMENT BETWEEN
 GENERAL MOTORS CORPORATION AND UAW

HRP - 11/MP03
 (REV. 8-88)
 (CORRECTED)
 (A)

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. DIVISION AND PLANT FISHER - CLEVELAND | | | | 2. PLANT CODE-RETIREMENT NO. 2371-259954 | |
| 3. TYPE OF RETIREMENT TOTAL AND PERMANENT DISABILITY | | | | 4. TYPE CODE 054 | |
| 5. EMPLOYEE NAME RUDDOLPH V TOWNS | | | | 6. BENEFIT CLASS CODE AND RATE 19.10 | |
| 7. DATE OF BIRTH 04-17-34 | | 8. SEX M | | 9. SOCIAL SECURITY NO. 295-34-8638 | |
| 10. LAST DAY WORKED 03-23-90 | | 11. DATE SENIORITY CANCELLED 05-31-82 | | 12. DATE BENEFITS COMMENCE 05-31-82 | |
| 13. NAME AND ADDRESS TO WHICH PENSION CHECKS ARE TO BE SENT: RUDDOLPH V TOWNS 4063 E 147TH ST CLEVELAND OH 44128 | | | | 14. EXPIRATION DATE OF SICKNESS AND ACCIDENT OR STATE DISABILITY BENEFITS PAID AFTER DATE IN ITEM 12. 04-01-81 | |
| 15. IN ACCORDANCE WITH ARTICLE VII, SECTION 1 (A) (6) OF THE HOURLY-RATE EMPLOYEES PENSION PLAN, THE INITIAL MONTHLY BENEFIT PAYMENT WILL BE REDUCED BY THE FOLLOWING AMT. | | | | | |
| 16. YEARS OF CREDITED SERVICE 12-12-1 YEARS MONTHS | | 17. AGE AT DATE IN ITEM 12 UNLESS ANY FRACTIONAL MONTH AS A COMPLETE MONTH 45-02 YEARS MONTHS | | 18. MONTHLY BASIC BENEFIT WITHOUT REDUCTION ITEM 16 \$293.22 | |
| | | | | 19. PERCENTAGE APPLICABLE TO MONTHLY BASIC BENEFIT IN ITEM 18 IF RETIREMENT IS AT EMPLOYEE OPTION: N/A | |
| | | | | 20. PERCENTAGE APPLICABLE TO MONTHLY BASIC BENEFIT IF SURVIVOR OPTION IN EFFECT. N/A | |
| 21. MONTHLY BENEFIT PAYABLE | | | | | |
| a. BASIC PRIOR TO AGE 62 (Item 18 times Item 19 times Item 20) | | | | | \$293.22 |
| b. BASIC AFTER AGE 62 (If credited service is 30 or more years or retiree has at least 85 points - Item 18 times Item 20; If credited service is less than 30 years or retiree has less than 85 points - Item 18 times Item 19 times Item 20) | | | | | \$293.22 |
| c. TEMPORARY - TO AGE 62 (Item 16 times \$ _____ - Subject to Item 23 (a) on back of this form) | | | | | |
| d. SUPPLEMENT TO AGE 62 (Item 13 or Item 16 From Form HRP - 11K) | | | | | |
| e. TOTAL PRIOR TO AGE 62 (Item 21a + Item 21c + Item 21d) | | | | | \$293.22 |
| f. TOTAL AFTER AGE 62 (Item 21b + if over age 65, Special Benefit**) | | | | | \$293.22 |
| g. TO SURVIVING SPOUSE IF SURVIVOR OPTION IN EFFECT (Item 21b times 60% - 50% if J & S option) | | | | | |
| <p>*IF RETIREMENT IS AT EMPLOYEE OPTION WITH 30 OR MORE YEARS OF CREDITED SERVICE, OR AGE PLUS SERVICE EQUALS 85 POINTS OR MORE, THE APPLICABLE REDUCTION FOR THE SURVIVOR OPTION IS COMPUTED ON THE AFTER AGE 62 BASIC BENEFIT.</p> <p>**AUTHORIZED UNDER THE GENERAL MOTORS INSURANCE PROGRAM FOR HOURLY-RATE EMPLOYEES.</p> | | | | | |
| <p>22. I HEREBY CERTIFY THAT THE BASIC DATA USED IN THE CALCULATION OF THE MONTHLY BENEFITS ARE AS SHOWN ON OUR RECORDS, AND THAT THE CALCULATION OF SUCH BENEFITS IS CORRECT.</p> <p align="center"><u>11 30 90</u> <u>[Signature]</u> DATE PLANT OR DIVISIONAL COMPTROLLER</p> | | | | | |

DISTRIBUTION: 1. INSURANCE AND PENSION SECTION 2. PERSONNEL 3. EMPLOYEE 4. UNION MEMBER OF LOCAL PENSION COMMITTEE

23. I AM THE "EMPLOYEE" HEREIN NAMED AND IDENTIFIED. I HAVE READ AND UNDERSTAND THE DATA AND CALCULATIONS SHOWN IN THE ITEMS 1 THROUGH 21. I FURTHER UNDERSTAND THAT:

HMP-11/HPI
(REV. 1-88)

(A) IF THIS AUTHORIZATION IS FOR (i) EARLY RETIREMENT AT CORPORATION OPTION OR UNDER MUTUALLY SATISFACTORY CONDITIONS, OR (ii) TOTAL AND PERMANENT DISABILITY AND I HAVE PRESENTED PROOF THAT I AM NOT ELIGIBLE FOR A SOCIAL SECURITY DISABILITY BENEFIT, AND I SUBSEQUENTLY BECOME ELIGIBLE PRIOR TO AGE 62 FOR A SOCIAL SECURITY DISABILITY BENEFIT OR AN UNREDUCED SOCIAL SECURITY BENEFIT FOR AGE, I WILL FURNISH THE PERSONNEL DEPARTMENT IMMEDIATELY WITH EVIDENCE OF THE EFFECTIVE DATE OF MY ENTITLEMENT TO SUCH BENEFIT. IN SUCH CASE THE TEMPORARY BENEFIT SHOWN IN ITEM 21C WILL CEASE TO BE PAYABLE AND MY MONTHLY PENSION BENEFIT WILL THEN BE REDETERMINED AS OF THE FIRST OF THE MONTH FOR WHICH I INITIALLY BECAME ENTITLED TO SUCH SOCIAL SECURITY BENEFIT. ANY OVERPAYMENT OF MY GM PENSION RESULTING FROM MY RECEIPT OF SUCH SOCIAL SECURITY BENEFIT MUST BE REFUNDED BY ME IN A LUMP SUM OR MY GM PENSION WILL BE SUSPENDED UNTIL THE TOTAL AMOUNT SUSPENDED EQUALS THE OVERPAYMENT.

(B) IF THIS AUTHORIZATION IS FOR TOTAL AND PERMANENT DISABILITY BUT DOES NOT INCLUDE A TEMPORARY BENEFIT, I WILL BE ENTITLED TO RECEIVE A MONTHLY TEMPORARY BENEFIT PRIOR TO AGE 62 IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE HOURLY-RATE EMPLOYEES PENSION PLAN, PROVIDED I SUBMIT SATISFACTORY PROOF THAT I AM NOT ELIGIBLE FOR A SOCIAL SECURITY DISABILITY BENEFIT.

(C) THE OPTION PROVIDING BENEFITS TO MY SURVIVING SPOUSE IS AUTOMATIC, UNLESS I REJECTED THE OPTION WHEN I APPLIED FOR BENEFITS.

(D) IF I AM UNDER AGE 55 WITH LESS THAN 30 YEARS OF CREDITED SERVICE AT THE DATE PENSION BENEFITS COMMENCE, I MAY ELECT AT AGE 55 OF ANY AGE IF I RETIRE WITH 30 OR MORE YEARS OF CREDITED SERVICE, IN LIEU OF THE MONTHLY BASIC BENEFIT OTHERWISE PAYABLE TO ME A REDUCED MONTHLY BASIC BENEFIT PAYABLE TO ME DURING MY LIFE. TIME. TO PROVIDE THAT IF MY ELIGIBLE DESIGNATED SPOUSE SHALL BE LIVING AT MY DEATH, 60% OF SAID MONTHLY BASIC BENEFIT SHALL BE PAYABLE TO MY SPOUSE DURING MY SPOUSE'S FURTHER LIFETIME FOLLOWING MY DEATH.

(E) IF MY SPOUSE PREDECEASES ME, OR WE ARE DIVORCED BY COURT DECREE, I MAY REVOKE THE ABOVE OPTION EFFECTIVE THE THIRD MONTH AFTER PROPER NOTICE AND REQUIRED DOCUMENTS HAVE BEEN RECEIVED BY GENERAL MOTORS. IF I MARRY OR REMARRY AFTER THE EFFECTIVE DATE OF THE ABOVE OPTION AND HAVE NOT PREVIOUSLY REJECTED SUCH OPTION, I MAY ELECT THE ABOVE OPTION SUBJECT TO THE PROVISIONS OF THE PLAN. THIS ELECTION MUST BE MADE AND RECEIVED BY THE CORPORATION BY THE FIRST DAY OF THE MONTH IN WHICH I HAVE BEEN MARRIED OR REMARRIED ONE YEAR TO BECOME EFFECTIVE.

(F) IF WORKER'S COMPENSATION BECOMES PAYABLE TO ME SUBSEQUENT TO THE DATE SHOWN IN ITEM 12, A DEDUCTION SHALL BE MADE FROM MONTHLY BENEFITS OTHERWISE PAYABLE TO ME UNDER THE PENSION PLAN EQUAL TO THE FULL AMOUNT OF SUCH WORKER'S COMPENSATION UNLESS SUCH DEDUCTION IS PROHIBITED UNDER ARTICLE IV, SECTION 2 OF THE PENSION PLAN.

(G) IF THIS AUTHORIZATION IS FOR TOTAL AND PERMANENT DISABILITY AND I AM UNDER AGE 55 AND HAVE LESS THAN 30 YEARS OF CREDITED SERVICE AT THE TIME BENEFITS COMMENCE, A 50% JOINT AND SURVIVOR OPTION IS AUTOMATIC UNLESS I REJECT THE OPTION ON FORM HMP-R (J & S).

24. IN CONNECTION WITH ANY BENEFITS I MAY RECEIVE FOR TOTAL AND PERMANENT DISABILITY WHEN I AM NOT CONCURRENTLY RECEIVING ANY SUPPLEMENT UNDER THE HOURLY-RATE EMPLOYEES PENSION PLAN, I HEREBY AUTHORIZE THE SOCIAL SECURITY ADMINISTRATION TO RELEASE TO GENERAL MOTORS CORPORATION, ON A CONTINUING ANNUAL BASIS, THE TOTAL EARNINGS REPORTED FOR ME FOR EACH YEAR TO BE SPECIFIED BY GENERAL MOTORS CORPORATION.

25. IN CONNECTION WITH ANY ELIGIBILITY I MAY HAVE TO RECEIVE EITHER A MONTHLY TEMPORARY BENEFIT OR A SUPPLEMENT UNDER APPLICABLE PROVISIONS OF THE HOURLY-RATE EMPLOYEES PENSION PLAN, I HEREBY AUTHORIZE THE SOCIAL SECURITY ADMINISTRATION TO RELEASE TO GENERAL MOTORS CORPORATION, ON A CONTINUING ANNUAL BASIS, MY SOCIAL SECURITY DISABILITY INSURANCE BENEFIT STATUS, AS SPECIFIED BY GENERAL MOTORS CORPORATION.

DEC 9 1982

DATE

Rudolph L. Lounsbury
EMPLOYEE'S SIGNATURE

26.

AUTHORIZATION FOR PAYMENT OF MONTHLY BENEFITS

WE HAVE EXAMINED THE FOREGOING DATA AND HEREBY AUTHORIZE THE PAYMENT OF A MONTHLY BENEFIT AS SHOWN IN ITEM 21E, 21F, OR 21G, AS APPLICABLE.

IF THE EXPIRATION OF SICKNESS AND ACCIDENT OR STATE DISABILITY BENEFITS AS SHOWN IN ITEM 14 IS SUBSEQUENT TO THE DATE SHOWN IN ITEM 12, MONTHLY PENSION BENEFITS WILL NOT BE PAYABLE PRIOR TO THE EXPIRATION DATE OF SUCH SICKNESS AND ACCIDENT OR STATE DISABILITY BENEFITS AND THE INITIAL MONTHLY PENSION BENEFIT PAYMENT WILL BE REDUCED BY THE AMOUNT SHOWN IN ITEM 15.

Joseph F. Krueger
LOCAL PENSION COMMITTEE
MANAGEMENT REPRESENTATIVE

DATE

Timothy S. Dyer
LOCAL PENSION COMMITTEE
UNION REPRESENTATIVE

DEC 9 1982

DATE

OR, IF APPLICABLE,

OR, IF APPLICABLE,

PERSONNEL DIRECTOR

DATE

PLANT OR DIVISIONAL
COMPTROLLER

DATE

WATER HOMESTEAD
CERTIFICATE OF DISABILITY

"PERMANENTLY AND TOTALLY DISABLED" MEANS A PERSON WHO HAS ON THE DATE OF APPLICATION SOME IMPAIRMENT IN BODY OR MIND THAT MAKES HIM UNFIT TO WORK AT ANY SUBSTANTIALLY REMUNERATIVE EMPLOYMENT WHICH HE IS REASONABLY ABLE TO PERFORM AND WHICH WILL WITH REASONABLE PROBABILITY, CONTINUE FOR AN INDEFINITE PERIOD OF AT LEAST TWELVE MONTHS WITHOUT ANY PRESENT INDICATION OF RECOVERY THEREFROM OR HAS CERTIFIED AS PERMANENTLY AND TOTALLY DISABLED BY A STATE OR FEDERAL AGENCY HAVING THE FUNCTIONS OF SO CLASSIFYING PERSONS."

APPLICATION FOR REDUCTION BASED UPON A PHYSICAL DISABILITY SHALL BE ACCOMPANIED BY A CERTIFICATE, SIGNED BY A PHYSICIAN AND AN APPLICATION FOR REDUCTION BASED UPON A MENTAL DISABILITY SHALL BE ACCOMPANIED BY A CERTIFICATE SIGNED BY A PHYSICIAN OR PSYCHOLOGIST LICENSED TO PRACTICE IN THIS STATE, ATTESTING TO THE FACT THAT THE APPLICANT IS PERMANENTLY AND TOTALLY DISABLED. THE CERTIFICATE SHALL BE IN A FORM THAT SHALL INCLUDE THE DEFINITION AS ABOVE OF PERMANENTLY AND TOTALLY DISABLED. AN APPLICATION FOR REDUCTION BASED UPON A DISABILITY CERTIFIED AS PERMANENT AND TOTAL BY A STATE OR FEDERAL AGENCY HAVING THE FUNCTION OF SO CLASSIFYING PERSONS SHALL BE ACCOMPANIED BY A CERTIFICATE FROM THAT AGENCY."

In accordance with the above noted statutes, I (we) hereby certify that _____

Mr. Rudolph Towns is totally and permanently disabled by virtue of
☒ physical disability or ☒ mental disability.

DATE 12-11-84

LICENSE NO. 21963 - Ohio

Carolyn H. Montier, M.D.
PHYSICIAN

PSYCHOLOGIST

AGENCY

Please print name and address
of person signing this certificate

BY Carolyn H. Montier M.D.
NAME TITLE

11811 Shaker Blvd.
PRINT NAME OF PERSON SIGNING

Cleveland, Ohio 44120
ADDRESS - STREET NO. - CITY

This application must be completed and must be attached to the Water Homestead application.

Solidarity House

8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000
FAX (313) 823-6016



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

RON GETTELFINGER, *PRESIDENT*

ELIZABETH BUNN, *SECRETARY-TREASURER*

VICE-PRESIDENTS: GENERAL HOLIEFIELD • BOB KING • CAL RAPSON • JIMMY SETTLES • TERRY THURMAN

May 21, 2008

Rudolph Towns
5733 SW 18th Street
Apartment B
Hollywood, Florida 33023

Dear Brother Towns:

Your February 18, 2008 letter to UAW President Ron Gettelfinger was referred to Cal Rapson, Vice President and Director of the UAW General Motors Department and assigned to me for investigation and response.

After reviewing your files, I noticed that you have a lengthy history of contacting both the Union and General Motors Corporation concerning the injury you received in 1965. You must contact General Motors Corporation for the medical files and nature of Total and Permanent Disability (T&PD). Again, this matter is closed.

If I can be of any further assistance, don't hesitate to contact me at (313) 926-5594.

Fraternally,

Darrell Shepard
International Representative
Benefit Plans Section
UAW General Motors Department

DS:jf
opeiu494

cc: Garry Bernath
Ron Gettelfinger
Mike Grimes
Cal Rapson
David Shoemaker

MISS. ANNA TOWNS.

ATTORNEY AT LAW.

313-HAMMONTON PLACE.

SILVER SPRINGS MD-20904.

(301)-680-9166.

JAMES JONES
LEGAL SERVICES
1600 A. SPRUCE STREET
GREENVILLE, NORTH CAROLINA 27834

TO: MR. RUDOLPH TOWNES

5733 SOUTHWEST 18TH STREET

APT. B

HOLLYWOOD, FLORIDA 33023

RE: SOLIDARITY HOUSE

8000 EAST JEFFERSON STREET

DETROIT, MI 48214

TO WHOM IT MAY CONCERN:

**I AM FILING THIS PETITION HOPING TO GAIN YOUR CONSIDERATION FOR
HUMANE REASONS AND YOUR SENSE OF DIGNITY.**

**THIS PETITION CONCERNS A MR. RUDOLPH TOWNES, WHO ACCORDING WHO
ACCORDING TO OUR RECORDS SUFFERED A CONCUSSION AFTER BEING HIT IN
THE HEAD BY A WHEEL HOUSING THAT FELL ON HIM.**

**I UNDERSTAND THAT HE WAS UNCONSCIOUS WHEN HE ARRIVED AT THE
HOSPITAL LOCATED ON HURON AND TERRACE ROADS. RECORDS SHOW THAT HIS**

SKULL WAS FRACTURED IN THREE DIFFERENT PLACES. ALSO, DUE TO HIS CONDITION HE WAS UNABLE TO FURNISH PRECISE AND ACCURATE INFORMATION PRIOR TO LEAVING THE PERSONNEL DEPARTMENT AT THE PLANT.

WE WOULD GREATLY APPRECIATE ANY AND ALL INFORMATION THAT YOU MAY BE ABLE TO FURNISH RELATIVE TO THIS INCIDENT. THE CASE ORIGINATED IN 1965. WE DON'T BELIEVE THAT HE WAS EVER COMPENSATED FOR THESE INJURIES AND THE DAMAGE HE INCURRED WHILE ON THE JOB.

BEING A UNION MEMBER, HIS DUES WERE PAID UP TO DATE. I CONCUR THAT HE SHOULD HAVE BEEN PAID WITHOUT PREJUDICE AND DISCRIMINATION. PLEASE BE ADVISED THAT THIS MATTER IS BEING PREPARED FOR LEGAL ACTIONS IF WE DEEM IT APPROPRIATE. YOUR RESPONSE DETERMINES THIS.

THANKING YOU IN ADVANCE FOR YOUR COOPERATION. I WILL REMAIN,

RESPECTFULLY YOURS.

JAMES JONES

You have been sued in the court of law. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this complaint and notice is served. By entering a written appearance personally, or by attorney, or by filing in writing to the court for your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice. A judgment may be entered against you by the court without further notice for any money claim in the complaint for any claim or relief requested by the plaintiff. You may lose money, property, and other rights important to you. You should take this petition to your lawyer at once. If you don't have one, can't afford one contact your nearest bar association.

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS RUDOLPH V. TOWNS.

DEFENDANTS GENERAL MOTORS CORPORATION

(b) County of Residence of First Listed Plaintiff BROWARD.
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

O'Connell 61115-Cooke-Bonds-Vra

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

County where action arose - Broward

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 0 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | | |

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

NEGLIGENCE ON THE PART OF GENERAL MOTORS-U-A-W.-(28-USC)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Rudolph V. Towns

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

350.00

APPLYING IFP

JUDGE

MAG. JUDGE

543689

Exhibit C

Florida Litigation Final Judgment

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 08-61115-CIV-COOKE/BANDSTRA**

RUDOLPH V. TOWNS,

Plaintiff,

v.

GENERAL MOTORS CORPORATION,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO DISMISS
PLAINTIFF’S COMPLAINT**

THIS CAUSE is before the Court upon Defendant’s Motion to Dismiss Plaintiff’s Complaint [D.E. 6] filed on November 26, 2008. Defendant argues that, pursuant to Federal Rule 12(b)(6), Plaintiff’s complaint should be dismissed. For the reasons stated below, Defendant’s Motion to Dismiss is granted.

I. BACKGROUND

Pro se Plaintiff Rudolph Towns (“Plaintiff” or “Towns”) filed his complaint [D.E. 1] on July 16, 2008, seeking damages from Defendant General Motors Corporation (“Defendant” or “GM”). The complaint seems to assert that Towns was injured on February 16, 1965, while working for the Fisher Body Division of GM, located in Cleveland, Ohio. Plaintiff alleges that he is entitled to compensatory and punitive damages for his injuries. It is difficult to ascertain what claims Plaintiff is asserting, however, Plaintiff seems to assert claims for negligence and discrimination.

II. LEGAL STANDARD – Motion to Dismiss

“When considering a motion to dismiss, the Court must accept all of the plaintiff’s allegations as true in determining whether a plaintiff has stated a claim for which relief could be granted.” *Holtzman v. B/E Aerospace, Inc.*, No. 07-80511, 2008 WL 214715, at *1 (S.D. Fla. Jan. 24, 2008) (referring to a Motion to Dismiss filed under Rule 12(b)(6)) (citation omitted). The complaint may be dismissed if the facts as pled do not state a claim for relief that is plausible on its face. *See Bell Atl. Corp. v. Twombly*, 127 S.Ct. 1955, 1968-69, 1974 (2007) (abrogating the old “unless it appears beyond a doubt that the plaintiff can prove no set of facts” standard and replacing it with a standard requiring “only enough facts to state a claim to relief that is plausible on its face.”); *Marsh v. Butler County, Ala.*, 268 F.3d 1014, 1037 (11th Cir. 2001)(“Pleadings must be something more than an ingenious academic exercise in the conceivable.”) (en banc) (quoting *United States v. Students Challenging Regulatory Ag. Proc.*, 412 U.S. 669, 688 (1973)). More simply, dismissal is appropriate if the plaintiff has not “nudged [its] claims across the line from conceivable to plausible.” *Twombly*, 127 S.Ct. at 1974. Additionally, *pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and must be liberally construed. *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003); *see also Faulk v. City of Orlando*, 731 F.2d 787, 789-90 (11th Cir. 1984) (“A . . . *pro se* complaint ‘however inartfully pleaded’ must be held to ‘less stringent standards than formal pleadings drafted by lawyers’”) (quoting *Estelle v. Gamble*, 429 U.S. 97, 107 (1976)). Although, the pleadings of *pro se* litigants are entitled to liberal construction, “this leniency does not give a court license to serve as *de facto* counsel for a party or to rewrite an otherwise deficient pleading in order to sustain an action.” *GJR Investments, Inc. v. County of Escambia, Fla.*, 132 F.3d 1359, 1369 (11th Cir. 1998).

III. ANALYSIS

Defendant's Motion to Dismiss must be granted pursuant to Fed.R.Civ.P. 12(b)(6). "A complaint is . . . subject to dismissal under Rule 12(b)(6) when its allegations-on their face-show that an affirmative defense bars recovery on the claim." *Marsh v. Butler County, Ala.*, 268 F.3d 1014, 1022 (11th Cir. 2001); *see also Jones v. Bock*, 549 U.S. 199, 215, (2007) (dicta) (If the allegations, for example, show that relief is barred by the applicable statute of limitations, the complaint is subject to dismissal for failure to state a claim . . ."). Plaintiff's complaint facially reveals that the negligence claim is barred as untimely. Plaintiff's injury occurred in Cleveland Ohio; therefore, the court will look to Ohio tort law to determine whether Plaintiff is facially barred from asserting a negligence action. The relevant provision of Ohio's statute of limitations for personal injury states that, "an action based on a product liability claim and an action for bodily injury or injuring personal property shall be brought within two years after the cause of action accrues." Ohio Rev. Code Ann. § 2305.10. Further, the statute of limitations for asserting a negligence claim under Florida law is four years. Fla. Stat. § 95.11(3)(a). Plaintiff asserts that, due to GM's negligence, he was injured in 1965. Clearly, the statute of limitations has expired – Plaintiff's action accrued over forty years ago. Even if Plaintiff could assert the essential elements for a negligence claim, Plaintiff would be barred by the statute of limitations. Thus, Plaintiff cannot assert a negligence claim against GM.

Furthermore, the Ohio Worker's Compensation Act is the exclusive remedy for bodily injuries sustained by Plaintiff while working for Defendant. The relevant provision of Ohio's workers compensation statute states: "Employers who comply . . . shall not be liable to respond in damages at common law or by statute for any injury, or occupational disease, or bodily condition, received or contracted by any employee in the course of or arising out of his

employment” Ohio Rev. Code Ann. § 4123.74. Plaintiff received a head injury while working in GM’s Fisher Body plant. Ohio has chosen to implement a worker’s compensation system that protects an employer from suit if the employer participates in the compensation system. *Blankenship v. Cincinnati Milacron Chemicals, Inc.*, 433 N.E.2d 572, 577 (Ohio 1982). Further, the Ohio Worker’s Compensation Act “operates as a balance of mutual compromise between the interests of the employer and the employee whereby employees relinquish their common law remedy and accept lower benefit levels coupled with the greater assurance of recovery and employers give up their common law defenses and are protected from unlimited liability.” *Id.* Plaintiff should look to the Ohio Worker’s Compensation Act to provide compensation for his bodily injuries, not federal court. Therefore, Plaintiff cannot bring a negligence action against his former employer.

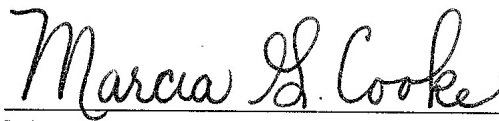
Plaintiff also contends that “this is a clear cut discrimination case.” (Pl.’s Compl. at 2). Plaintiff’s discrimination claim must also be dismissed. Ohio has differing statute of limitation periods for discrimination claims. The length of the statute of limitation period varies according to the classification of the alleged discrimination. *Compton v. Swan Super Cleaners*, No. 08-CV-002, 2008 WL 1924251, at *3 (S.D. Ohio April 29, 2008). While Ohio has different statute of limitation periods for discrimination, the longest limitation period is six years. *Cully v. St. Augustine Manor*, No. 67601, 1995 WL 237129, at *3 (Ohio App. Dist. April 20, 1995). Further, Florida has a four year statute of limitations period for discrimination claims brought under a state statute. Fla. Stat. § 95.11(3)(f). Plaintiff seems to suggest that he was discriminated against due to his injury, which occurred in 1965. Therefore, even if the discrimination claim is viewed in the light most favorable to Plaintiff, a six year period, the claim is still time barred.

Plaintiff has also failed to allege facts sufficient to support a discrimination claim. While the Court understands why a negligence claim is asserted, Plaintiff offers no factual support for a claim of discrimination. A plaintiff's complaint must set forth more than conclusory allegations and unfounded factual inferences. *Jackson v. BellSouth Telecommunications*, 372 F.3d 1250, 1262 (11th Cir. 2004); *see also Brennan v. Cambridge Mun. Court*, No. 96-3485, 1998 WL 91801 at *2 (6th Cir. 1998) (affirming the district court's dismissal of *pro se* Plaintiff's complaint on the basis that the complaint failed to offer factual support of discrimination). Plaintiff's complaint does not state any facts which support the discrimination claim. Thus, Plaintiff fails to bring a cause of action for discrimination.

IV. CONCLUSION

For the reasons set forth above, Defendant's Motion to Dismiss [D.E. 6], pursuant to Federal Rule 12(b)(6), is **GRANTED**. All pending motions are **DENIED as moot** and the Clerk is instructed to **CLOSE the case**.

DONE AND ORDERED in Chambers at Miami, Florida, this 21st day of April 2009.



MARCIA G. COOKE

United States District Judge

Copies to:
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